

KEVIN G. HORBATIUK (KGH-4977)  
MATTHEW P. MAZZOLA (MM-7427)  
RUSSO, KEANE & TONER, LLP  
Attorneys for Defendant  
**CUNNINGHAM DUCT WORK s/h/i/a**  
**CUNNINGHAM DUCT CLEANING CO., INC.**  
26 Broadway - 28th Floor  
New York, New York 10004  
(212) 482-0001

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
**IN RE COMBINED WORLD TRADE CENTER  
AND LOWER MANHATTAN DISASTER SITE  
LITIGATION**

**21 MC 103 (AKH)**

-----X  
**JULIO ORDONEZ,**

**DOCKET NO:  
08 CV 2298**

**Plaintiff,**

**-against-**

**7 WORLD TRADE COMPANY, L.P., A RUSSO  
WRECKING, INC., ABM INDUSTRIES INC.,  
ABM JANITORIAL NORTHEAST, INC., AMEC  
MANAGEMENT, INC., AMEC EARTH  
ENVIRONMENTAL, INC., ANTHONY CORTESE  
SPECIALIZED HAULING LLC., ATLANTIC  
HEYDT CORP., BECHTEL ASSOCIATES  
PROFESSIONAL CORPORATION; BECHTEL  
CONSTRUCTION, INC., BECHTEL CORPORATION;  
BECHTEL ENVIRONMENTAL INC., BERKEL &  
COMPANY, CONTRACTORS, INC., BIG APPLE  
WRECKING & CONSTRUCTION CORP., BOVIS  
LEND LEASE LMB, INC., BREEZE CARTING  
CORP., BREEZE NATIONAL INC., BRER-FOUR  
TRANSPORTATION CORP., BURO HAPPOLD  
CONSULTING ENGINEERS, P.C., C.B. CONTRACTING  
CORP., CANRON CONSTRUCTION COP., CORD  
CONTRACTING CO., INC., DAKOTA DEMO TECH;  
DIAMOND POINT EXCAVATING CORP., DIEGO  
CONSTRUCTION, INC., DIVERSIFIED CARTING, INC.,  
DMT ENTERPRISE, INC., D'ONOFRIO GENERAL**

**NOTICE OF  
ADOPTION  
OF ANSWER TO  
MASTER COMPLAINT**

CONTRACTORS CORP., EAGLE LEASING & INDUSTRIAL SUPPLY INC., EAGLE ONE ROOFING CONTRACTORS, INC., ED DAVIES, INC., EN-TECH CORP., EVERGREEN RECYCLING OF CORONA (EROC) EWELL W. FINLEY, P.C., EXECUTIVE MEDICAL SERVICES, P.C, FLEET TRUCKING, INC., FRANCIS A. LEE EXTERIOR RESTORATION; INC., FTI TRUCKING, INC., GILSANZ, MURRAY & STEFICEK LLP., GOLDSTEIN KOCH SKANSKA INC., LAQUILA CONSTRUCTION INC., LASTRADA GENERAL GENERAL CONTRACTING CORP., LESLIE E. ROBERTSON ASSOCIATES CONSULTING ENGINEERS, P.C., LIBERTY MUTUAL GROUP; LOCKWOOD, KESSLER & BARTLESS, INC. LUCIUS PITKIN, INC., LZA TECH-DIV OF THORTON TOMASTEEL, MANAFORT BROTHERS MERIDIAN CONSTRUCTION CORP., MAZZOCCHI WRECKING INC., HUDSON MERIDIAN CONSTRUCTION GROUP; LLC F/K/A MERIDIAN CONSTRUCTION CORP., MORETRENCH AMERICAN CORP., MRA ENGINEERING, P.C., MUESER EQUIPMENT CORP., NICHOLSON CONSTRUCTION COMPANY; PETER SCALAMANDRE & SONS, INC., INNACLE ENVIRONMENTAL CORP., PLAZA CONSTRUCTION CORP., PORT AUTHORITY OF NEW YORK AND NEW JERSEY; PRO SAFETY SERVICES, INC., PT&L CONTRACTING CORP., ROBER SILMAN ASSOCIATES, ROBERT L. GEROSA INC., RODAR ENTERPRISES, INC., ROYAL GM, INC., SAB TRUCKING INC., SAFEWAY ENVIRONMENTAL CORP., SEASONS INDUSTRIAL CONTRACTING; SEMCOR EQUIPMENT & MANUFACTURING CORP., SILVERTIS SURVIVARIS TISHMAN CONSTRUCTION CORPORATION OF MANHATTAN; TISHMAN CONSTRUCTION CORPORATION OF NEW YORK; TISHMAN INTERIORS CORPORATION; TISHMAN SPEYER PROPERTIES; EQUIPMENT RENTAL CORP., TULLY CONSTRUCTION CO., INC., TURNER CONSTRUCTION COMPANY; ULTIMATE DEMOLITION CS HAULING (JOINT VENTURE); VERIZON NEW YORK, INC., VOLLMER ASSOCIATES LLP WEEKS MARINE INC., WEIDLINGER ASSOCIATES, CONSULTING ENGINEERS, P.C., WHITNEY CONTRACTING INC., WOLKOW-BRAKER ROOKING CORP., WORLD TRADE

**CENTER PROPERTIES, LLC WSP CONSTRUCTION, LLC  
ZIEGENFUS DRILLING INC.,**

**OFF SITE:**

**100 CHURCH, LLC, AMBIENT GROUP, INC.,  
CUNNINGHAM DUCT CLEANING CO.,  
GPS ENVIRONMENTAL CONSULTANTS, INC.,  
HILLMAN ENVIRONMENTAL GROUP, LLC  
INDOOR AIR PROFESSIONALS, INC.,  
INDOOR ENVIRONMENTAL TECHNOLOGY, INC.,  
LAW ENGINEERING, P.C., MERRILL LYNCH & CO.,  
INC., ROYAL AND SUNALLIANCE  
INSURANCE GROUP, PLC., TRC ENGINEERS, INC.,  
VERIZON NEW YORK, INC., and ZAR REALTY  
MANAGEMENT CORP., et al.**

**Defendants.**

-----X  
**PLEASE TAKE NOTICE**, that defendant **CUNNINGHAM DUCT WORK s/h/i/a  
CUNNINGHAM DUCT CLEANING CO., INC.** ("CUNNINGHAM"), by its attorneys, RUSSO,  
KEANE & TONER, LLP, as and for its Response to the allegations set forth in the Complaint by  
Adoption (Check-Off-Complaint) Related to the Master Complaint filed in the above referenced  
action, hereby adopt their Answer to Master Complaint dated, August 1, 2007, which was filed in  
the matter of *In Re World Trade Center Lower Manhattan Disaster Site Litigation*, 21 MC 102  
(AKH).

**WHEREFORE**, the defendant, CUNNINGHAM demands judgment dismissing the above  
captioned caption action as against it, together with its costs and disbursements and for such other

and further relief as this Court deems just and proper.

Dated: New York, New York  
April 30, 2008

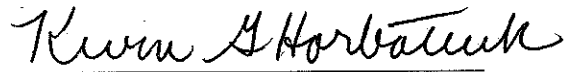
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Kevin G. Horbatiuk (KGH4977)  
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RKT File No. 824.078

TO: CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff  
**JULIO ORDONEZ**  
115 Broadway 12th Floor  
New York, New York 10006  
(212) 267-3700

**CERTIFICATION OF SERVICE**

I hereby certify that a copy of the above and foregoing has been served upon the following listed person by placing a copy of the same in the United States mail, postage prepared and properly addressed, this the 30<sup>th</sup> day of April, 2008.

CHRISTOPHER R. LaPOLA, ESQ.,  
WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
Attorney for Plaintiff  
**JULIO ORDONEZ**  
115 Broadway 12th Floor  
New York, New York 10006

A handwritten signature in cursive script, reading "Kevin G. Horbatiuk", written in black ink.

KEVIN G. HORBATIUK